Supreme Court of the United States

October Term—1972

No. 72-644

D.C. TRANSIT SYSTEM, INC.,

Petitioner,

v.

WASHINGTON METROPOLITAN AREA TRANSIT COMMISSION,

Respondent.

and

DISTRICT OF COLUMBIA CITY COUNCIL,
BLACK UNITED FRONT,

and

DIANA K. POWELL,

Respondents (Intervenors).

DIANA K. POWELL MEMORANDUM IN OPPOSITION TO D.C. TRANSIT PETITION FOR WRIT OF CERTIORARI

Respondent (Intervenor) Diana K. Powell opposes granting of Certiorari in the above-entitled cause on grounds stated below:[1]

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[1] Grounds that no question reviewable by this Court, and specific reply to D.C. Transit's contentions will undoubtedly be presented by Respondent W.M.A.T.C.

Respondent Powell appeared as a formal party in opposition to D.C. Transit's claim for increased fares before the Washington Metropolitan Area Transit Commission, (WMATC), and as an Intervenor in the United States Court of Appeals for the District of Columbia Circuit. She also filed a Petition for Review, *Powell v. W.M.A.T.C.*, U.S. App. D.C. No. 72-1603, decided Aug. 21, 1972, not yet formally reported, informally reported at 100 W.L.R. 1901, which was dismissed on the ground "One is not aggrieved and cannot obtain judicial review from an order granting the relief sought." The Constitutional question raised by Respondent Powell before the Commission, in argument before the Court of Appeals, and in her Petition, is that the "Compact" (Appendix to Petition A-2 *et seq.*)[2] relied on by D.C. Transit, an Act of Congress creating the W.M.A.T.C. and defining regulation of Petitioner, discriminates against the Washington area, in violation of the right to equal protection of the laws under Amendments V and XIV of the Constitution, in that it attempts to suspend application of pertinent provisions of the Interstate Commerce Act and Clayton Antitrust Act (Article VIII) and to allow a different rule of ratemaking (Article XII, Section 6(a)(4)). These provisions of the Compact have allowed D.C. Transit, in addition to substantial growth income, annually to claim dividends equalling the total cash investment, causing gross imbalance and distortions of the debt-equity ratio.

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[2] Washington Metropolitan Area Transit Regulation Compact, Public Law 87-767; 76 Stat. 764, approved Oct. 9, 1962.

Attention of this Court is directed to consent to sale by Transit's management and approval of acquisition by Congress.

Respondent Powell respectfully submits that Petitioner's contentions are moot, and that Petition for Certiorari should be denied.

Respectfully submitted,

DIANA K. POWELL, *pro se,*
1500 Massachusetts Avenue, N.W.
Washington, D.C. 20005 (223-0640)
Respondent (Intervenor)